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8  
9 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION  
10 STATE OF CALIFORNIA

11 In the Matter of ) FPPC No.: 04/488  
12 )  
13 )  
14 OLLIE M. McCAULLEY, FRIENDS TO ) STIPULATION, DECISION and  
15 ELECT OLLIE McCAULLEY, and MARK S. ) ORDER  
16 )  
17 )  
Respondents. )

18  
19 Complainant Mark Krausse, Executive Director of the Fair Political Practices Commission, and  
20 Respondents Ollie M. McCaulley, Friends to Elect Ollie McCaulley, and Mark S. Pierce, hereby agree  
21 that this stipulation will be submitted for consideration by the Fair Political Practices Commission at its  
22 next regularly scheduled meeting.

23 The parties agree to enter into this stipulation to resolve all factual and legal issues raised in this  
24 matter, and to reach a final disposition without the necessity of holding an administrative hearing to  
25 determine the liability of Respondents.

26 Respondents understand, and hereby knowingly and voluntarily waive, any and all procedural  
27 rights set forth in sections 83115.5, 11503 and 11523 of the Government Code, and in sections 18361.1  
28 through 18361.9 of title 2 of the California Code of Regulations. This includes, but is not limited to, the

1 right to personally appear at any administrative hearing held in this matter, to be represented by an  
2 attorney at Respondents' own expense, to confront and cross-examine all witnesses testifying at the  
3 hearing, to subpoena witnesses to testify at the hearing, to have an impartial administrative law judge  
4 preside over the hearing as a hearing officer, and to have the matter judicially reviewed.

5 It is further stipulated and agreed that Respondents Ollie M. McCaulley, Friends to Elect Ollie  
6 McCaulley, and Mark S. Pierce violated the Political Reform Act by failing to properly maintain  
7 campaign records, in violation of Government Code section 84104 (1 count), and by accepting  
8 contributions in the form of cashier's checks not drawn on the contributor's bank account, in violation of  
9 Government Code section 84300, subdivision (c), (1 count), as described in Exhibit 1. Exhibit 1 is  
10 attached hereto and incorporated by reference as though fully set forth herein. Exhibit 1 is a true and  
11 accurate summary of the facts in this matter.

12 Respondents agree to the issuance of the decision and order, which is attached hereto.  
13 Respondents also agree to the Commission imposing upon them an administrative penalty in the amount  
14 of Five Thousand Dollars (\$5,000). A cashier's check from Respondents in said amount, made payable  
15 to the "General Fund of the State of California," is submitted with this stipulation as full payment of the  
16 administrative penalty, to be held by the State of California until the Commission issues its decision and  
17 order regarding this matter.

18 The parties agree that in the event the Commission refuses to accept this stipulation, it shall  
19 become null and void, and within fifteen (15) business days after the Commission meeting at which the  
20 stipulation is rejected, all payments tendered by Respondents in connection with this stipulation shall be  
21 reimbursed to Respondents.

22 Respondents further stipulate and agree that in the event the Commission rejects the stipulation,  
23 and a full evidentiary hearing before the Commission becomes necessary, neither any member of the

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Commission, nor the Executive Director, shall be disqualified because of prior consideration of this stipulation.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Mark Krausse  
Executive Director  
Fair Political Practices Commission

Dated: \_\_\_\_\_

\_\_\_\_\_  
Ollie M. McCaulley, Respondent, individually and on  
behalf of Friends to Elect Ollie McCaulley, Respondent

Dated: \_\_\_\_\_

\_\_\_\_\_  
Mark S. Pierce, treasurer of Friends to Elect Ollie  
McCaulley, Respondent

### **DECISION AND ORDER**

The foregoing stipulation of the parties “In the Matter of Ollie M. McCaulley, Friends to Elect Ollie McCaulley, and Mark S. Pierce, FPPC No. 04/488,” including all attached exhibits, is hereby accepted as the final decision and order of the Fair Political Practices Commission, effective upon execution below by the Chairman.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Liane M. Randolph, Chairman  
Fair Political Practices Commission